

nations, in particular, Iran and Syria, that are involved destructively in this conflict because we are, to their delight, bleeding, bleeding profusely.

I asked when I was there with Senator HAGEL, our highest political officer there, does Iran want a failed state if we are to redeploy? His response was no. Therefore, we must have the confidence to set a date that is certain to redeploy out of Iraq, put our troops in Afghanistan, remain in the region on our bases in Oman, Bahrain, Qatar, or Aircraft Carrier Battle Group or Amphibious Ready Group, and bring others home, so we don't degrade the readiness of our forces, but have the competence to deal with Iran and Syria, bring them together with the Iraqis as they deal with the extreme elements and we deal with the middle.

There is a saying in the Middle East, "Insha'Allah," basically, "God willing tomorrow." Tomorrow for U.S. security has been enough. A date certain, approximately a year, 9 months, to give those countries time to work with us to bring about the political decisions that must cease the civil war, to have the Iraqis step to the plate and assume responsibility in the 32 ministries that thus far have been personal fiefdoms for personal ambitions as we provide the political and military cover for them to go about their personal pursuits. This is a change that can only about be brought about not by doubling down on a bad military bet by more troops, but by enforcing a date certain within a timetable. And lastly, we should do so on an authorization bill.

We should never again put our troops between us and the President. Being in the military is a dangerous business, but it doesn't have to be unsafe. Our business in the military has the dignity of danger, but you must provide them the bullets and the equipment they need to protect themselves, while having an authorization bill provide the date certain by which no forces in Iraq would remain, or funding for them to remain would not be there.

Mr. Speaker, I yield back the remainder of my time with the understanding that there is a strategic approach to end this conflict without a failed state in order to enhance U.S. security.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

(Mr. UDALL of New Mexico addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1415

#### A MATTER OF TRUST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, in the current issue of the "New Yorker" magazine, veteran reporter Seymour Hersh lays out the shame that was Abu Ghraib and the efforts at the highest levels to sweep it under the carpet.

Former Army General Antonio Taguba takes this very brave step to share details of his meetings with former Secretary of Defense Donald Rumsfeld and other administration officials in the wake of the prisoner abuse scandal at Abu Ghraib. In May, 2004, photos of abuse at the American-run prison were made public by CBS and other media outlets. We can all recall the inhumane treatment and degradation depicted. What was included in the photos and videos were not interrogations. They were humiliating and often horrible acts of violence.

Months earlier, before the photos emerged, General Taguba had filed a report outlining the "numerous incidents of sadistic, blatant and wanton criminal abuses that were inflicted on several detainees and systemic and illegal abuse."

In fact, the first report sent to senior Pentagon officials came in January of that year. The response? A senior general in Iraq brushed off the report saying that the victims were "only Iraqis." According to the article, General Taguba found that Lieutenant General Sanchez, the Army commander in Iraq who had visited the prison several times, knew exactly what was going on.

Despite many reports contradicting him, Secretary Rumsfeld himself clung to the claim that he saw the photos and video of the abuse only days before testifying before Congress. He said he first learned of the problem in late January or early February. His memory seems to be a little fuzzy in this regard. And in response, who did he send to oversee prison in Iraq? Major General Jeffrey Miller, the commander at Guantanamo.

If this were a movie plot, Mr. Speaker, it would seem ludicrous. Unfortunately, this is part of our real history in the occupation of Iraq.

And our commander-in-chief? It is unclear when he first learned of the situation at Abu Ghraib, but by most accounts it was months before the notorious pictures hit the airwaves. This is absolutely disgraceful.

It appears that the administration has no shame when it comes to the

continuing abuse of human rights abroad and at home right here in America. Is this the legacy we want to leave in the Middle East? A preemptive strike against a nation which did not have weapons of mass destruction? A civil war that is tearing a nation apart? Our standing in the world at an all-time low? The loss of over 3,500 brave service members?

This did not have to happen. The administration willingly misled this Nation into an occupation that cannot be won.

The acts at Abu Ghraib could have besmirched the honor and reputation of all of the troops who serve each day with distinction and courage, but thankfully it did not, because the American people know and understand that the acts of the few and of the top leadership who endorse those acts should not be visited on those who so bravely and selflessly serve. Our troops have shown great valor in the face of unbelievable challenges. This Congress honors them and the sacrifices they have made.

That said, it is well past time that this Congress stands up and says, enough is enough from this administration. The American people are frustrated with the lack of progress on ending the occupation and bringing our troops home, and rightfully so.

This fight may be difficult, but it is our obligation. I ask my colleagues to demand that not another day goes by without a real effort to bring our troops home and to return the sovereignty of Iraq to its people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### COMMENTS ON THE CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. Mr. Speaker, it is this time as we end a week of discussion and debate and we all leave to reconnect with our constituents and find out from the real people of America what we have actually done here that we have a time to sit back and contemplate the significant questions that will be brought to us next week, probably the greatest of which is simply will the Republicans continue to win the congressional baseball game.

But at this time in this weekend, I am joined tonight by Congressman GARRETT of New Jersey, who is the Chairman of the Constitutional Caucus, who wisely thought that this would be a good time for us to take a

moment and discuss once again the significance and importance of the Constitution as we come to this end of this section of our legislative year.

You know, Mr. Speaker, the Supreme Court Justice Antonin Scalia once said he understood there were those people who believe that there should not be a strict adherence to the words or intent of the words of the Constitution. But, he wrote, you would have to be an idiot to believe that.

The Constitution is not a living organism. It is a legal document. It says some things and doesn't say other things. The Constitution is a piece of paper that has words, but each of those words have a meaning.

I was once watching an episode of *Fawlty Towers*, obviously a very old one, and it is one in which John Cleese is trying in vain to talk to his waiter Manuel from Barcelona, who doesn't speak English very well, and in contempt he finally walks away and says, "Say Goodnight, Gracie."

Now, my students in school never understood what that line, "Say Goodnight, Gracie," meant. As I was talking to them or other audiences, you would have to be around my age to remember the old George Burns and Gracie Allen routines in which every tagline of one of their routines was simply, "Say Goodnight, Gracie," which had the effect of implying that Gracie Allen was probably the most ditziest, dumbest blonde ever produced.

Now, oddly enough, my students understood the phrase "dumb blond." They don't understand the phrase, "Say Goodnight, Gracie."

We all have certain cue words which create larger meanings in the mind of the hearer. Those words have meaning based on the usage of time. The Founding Fathers who wrote the Constitution also had cue words that they used to expand the meaning of what they meant.

One of the things I am happy about is the academic community seems of late to take a great deal more interest in the words of the Constitution and defining and understanding what they actually meant at the time.

I had a college professor who used to say the Founding Fathers had baggage that they took with them, which meant there were common concepts they brought together and they understood.

One of them, for example, is they all had read and understood Aristotle. Aristotle loved to divide everything up into categories. He divided up governments into a category of the government of one, a government of the few, a government of the many, and he said that each of those breakdowns could have a government that is good or bad, simply depending on the attitude of the ruling group. And he gave them all names. A government of one, for example, that he said was good, he defined as a monarchy. So in the 1780s, if you claimed someone was a monarch, that was a compliment.

The government of one that was bad that had bad intentions, he gave the term of a tyrant or a tyranny. It is not a coincidence that a decade earlier when Thomas Jefferson is writing the Declaration of Independence, that of all the terms he can use to describe King George, he used the word "tyrant." It had a cue meaning to it which ticked up a whole bunch of other ideas in the mind of the reader or the hearer.

It is the same way when the Federalists decided to criticize Jefferson, they called him a Jacobite. You cannot understand the significance of that insult unless you have a deeper understanding of the meaning of what happened in the French Revolution. The words have specific meanings and specific attitudes.

Akhil Amar wrote a wonderful book exploring the historical context of the words used in the Constitution. Much of what I am going to say is based on many of his works and his research. I would like to take just the preamble of the Constitution to try and illustrate what that is talk about.

You see, I thought Gouverneur Morris and the committee who wrote the Preamble to the Constitution at the very end of the Constitutional Convention were merely putting something in there to add some kind of literary flair to the document itself. And even though these words don't have the same status as statute, these majestic words give us a window to see into the minds of those who actually framed our republican form of government.

It starts off with the phrase "We the people of the United States." Now, whether intentional or not, it began with the concept of empowering people. And earlier drafts started off with "We the people of," and then it listed each and every individual State. Politically, that would have been unwise if indeed one of those states had eventually not ratified the document, which they thought could easily happen, because, after all, Rhode Island wasn't even there.

But by changing it to "We the people of the United States," it is more than just a political maneuver, it is a fundamental mindset of the Convention delegates. This Constitution goes full circle. It starts off by talking about the people and ends with Article 7, which is a new way of ratifying the constitutional document, which is a relatively contemporary concept of having a ratifying convention elected by the people. A new concept of republican democracy.

So this document starts and ends with the commitment to the faith in the people. The Constitution doesn't pander to governments, but rather is aimed at empowering the people of this United States who indeed empower this government at the same time.

The Founding Fathers never intended to amend the Articles of Confederation. They realized to do so would take unanimous consent, and since Rhode Island wasn't there in fact it would

never happen. In fact, 2 years earlier New York had vetoed a new financial management amendment. That act in and of itself had done much to spur the call for a new Convention to try and solve the problem. Because the Articles of Convention truly was a treaty between sovereign states and the national government.

This was something that was going to be different. It was going to be different to solve the problem by forming a more perfect union.

Now, once again, I always thought that the phrase "in order to form a more perfect union" was simply in opposition to the less perfect union under the Articles of Confederation. But it meant something so much more than that. It implied that they were leaving the treaty to join the new supreme law of the land. And ratification specifically denoted leaving the commitment of a flawed treaty to a commitment of a new supreme law of the land.

The anti-Federalists got that point. They debated it. They lost the argument. They lost the vote. Confederates did not get that in the Civil War time.

Abraham Lincoln actually was wrong about it as well. When he gave the Gettysburg Address, he talked about an indivisible Nation that started four score and seven years ago. That was a reference back to 1776 and the Declaration of Independence. To be accurate, he should have said three score and 15 years ago was when we became an individual nation, because that was the ratification of the Constitution of the United States.

There is more to that phrase that Gouverneur Morris meant than simply glossing over once again. This phrase, "a more perfect union," is a specific reference to the 1707 Act of Unification between England and Scotland. The words say "the union of two kingdoms more active and complete." In fact Queen Anne referred to it all the time as her "more perfect union."

You see, the attitude of the mindset at the time was they believed the progeny of landed borders was always armies. So they looked at the time when England, Scotland and even Wales were individual countries with land borders and each had an army to offset the other, which meant eventually they would use that army one against the other, and if they were not using it to disturb the peace of the island, than a tyrannical king was probably using it to destroy the liberties of his individual people.

Once they formed the more perfect union of England, Scotland and Wales together, the relative quiet of the United Kingdom was in contrast as they looked across the English Channel to Europe, which still had individual borders and was still engaged in border wars and subjection of the individual liberties of their individual citizens.

So what we consider to be incomprehensible, the idea that Massachusetts might raise an army for some of their indigenous people, and that New York

would respond by raising an Army just in case Massachusetts doesn't stay with their own indigenous people, and Virginia might raise an army then because all three of them claim the same lands in the West. What we thought of as incomprehensible was an actual fear at the time.

And they had an option, they will had an option of either eliminating that, or becoming like Europe. They could either be like Europe, with multiple boundaries and all the problems associated with it, or become like the United Kingdom in a more perfect union, eliminating that threat for evermore. And, more significantly, not just bringing peace to the continent, but also providing the protection and preservation of the individual liberties.

It is significant the Founding Fathers had a fear of armies. They limited the army to two years. It had to be dissolved. They didn't do the same thing to navies, because a navy boat could not chase you down the street and beat you up—Armies could. The idea of a citizen army is something that comes about in the French Revolution. That hasn't happened for a decade yet.

So armies at this time were mercenaries who were not necessarily sympathetic to the people they were supposed to be defending. In fact, the British army that came over here to defeat us and defend the British was actually hired Germans.

So the idea in here was an Army was not necessarily nice to people. The militia were the citizens, and those were the ones who were going to be important. Armies were foreigners. Militias were your neighbors. Giving primarily defense of the country to a militia made sense. Allowing a militia, in reality the people, to be armed made sense. An armed citizenry as a check to a potential political abuse made sense. Thinking of the modern National Guard as the same as a 1788 militia when we talk about the Second Amendment makes no sense because we don't understand the meaning of the words.

Lincoln also understood this concept of more perfect union when he talked about the Civil War. If the South was successful, even though this was a horrible war, at a high cost and greatly criticized by the intelligentsia at the time, he predicted that if the Civil War was successful for the South, it would not be the Civil War that created the South, but the beginning in a series of wars between the North and the South over regional boundaries and regional issues.

This Constitution also establishes justice. The Founding Fathers considered justice lacking on both the national and the State level, and they invented the checks and balances system of Federalism to counteract that.

If we truly understand what it means to establish justice, we have to understand the Framers hope to curb the excesses of the State governments, just the way patriots today have to curb

the excesses of our national government. So Federalism means we forget the concept of establishing justice.

"To ensure domestic tranquility" was not only a reference to Shay's Rebellion, but was also the concept that Revolutionary War veterans marched on Philadelphia to get their money from the Articles of Confederation Congress and both Philadelphia and Pennsylvania refused to provide protection, one is of the reasons they insisted on having this place, a Federal District, so they could ensure the domestic tranquility.

And the next phrase is "to promote the general welfare." Mr. Speaker, at this time we sometimes have a combination, I think, or conception, conception today, that promoting the general welfare is a door to open up to national involvement in all sorts of areas.

I think if you look at the actual words, it was quite the opposite. "General welfare" was a term of limiting qualifications, not expanding them.

With that in mind at this stage of the preamble, I would like to yield to the Chairman of the Constitutional Caucus, the good gentleman from New Jersey, Mr. GARRETT, to talk about the concept of promoting general welfare.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman from Utah.

Of course, it is humbling to follow after such a gentleman who is learned in these things and also previous to coming to Congress a teacher of such topics of our history and of our Constitution. So I will try, while I will never live up to his standards, but try to emulate him as best I can. When I conclude, I guess I should end by saying "Goodnight, Rob."

When we looked at those expressions, we remember the words of talk radio host Rush Limbaugh, who often does say the expression "words mean something." He is usually expressing it about one of his callers who has just called in and talked about a particular topic or what have you, and he will take a little slight angle on it and say, well, those words mean something that are being said there.

So too it is with our Constitution, the fundamental document, the Founding Father document of this Nation. It is unique in a sense and it was recognized at that time. Back in 1803, Thomas Jefferson stated, "Our peculiar security in this Nation is in the possession of a written Constitution. Let us not make it a blank paper by construction."

How prescient Jefferson was to see how future generations of this country possibly would and have and courts have as well taken that document; taken its plain meaning, and manipulated it to whatever the understanding of those words currently mean, as opposed to getting an understanding of what the founding document writers intended at the time.

James Wilson, writing in the Study of Law in 1790, said, "The first and gov-

erning maxim in the interpretation of a statute," or in this case the Constitution, "is discover those meanings of those words by those who made it."

So when we come to the floor today, or any day, to take a look at our Constitution, we must have an understanding of those terms as those meanings of the words had when the Founders first wrote them.

The gentleman from Utah just went to the point as far as the fact the Preamble goes to the issue of a limiting basis. I would just suggest, and I believe he made one reference to this, that despite the fact that today certain people look to the actual words of the preamble as giving us certain rights or powers now, Gouverneur Morris, the delegate from Pennsylvania at the time, added the preamble, I won't use the word as an afterthought, but certainly after the rest of the Constitution was written down. And specifically preambles at that time in any legal document that were written, were understood to say that they did not have a substantive legal basis or meaning to them.

□ 1430

That is to say a Preamble did not grant nor did it limit powers.

So today, when people come and look at the Constitution and say there is the general welfare clause in the Preamble, they should have an understanding that that was not an intention of the drafters of the document, to expand the powers of the Federal Government.

This can be understood if you look to how those who wrote it and lived at that time understood the document. Anybody who has an understanding of the life and times of Alexander Hamilton understood that there was a brilliant mind, a confidant of George Washington. At the beginning of the revolution, he became an aide in battle, and later when George Washington became our first President, Hamilton was there as the Treasury Secretary and one of the most powerful men in government at the time second to the President himself, more powerful than the Vice President and the Cabinet members at the time, someone who had an array of employees under his control inasmuch as the Treasury was dealing with the collection of excise taxes and the like. He had people under his control throughout the entire country.

He understood in order for this country to be great, and he wanted this country to be great, just as the mighty powers of Europe had been at that time, he had visions that this country could expand and grow through different aspects of building bridges and roads and building canals. But even Hamilton understood that if he was to try to go down this road, that the powers that were granted to the Federal Government at the time were limiting on him. Even Hamilton suggested that a constitutional amendment would have been necessary for them to do

some of the things that Hamilton thought necessary at the time.

So in 1790, Alexander Hamilton said an amendment to the Constitution is necessary in order to make the improvements to the country that are needed for a flourishing democracy. Of course, that amendment never occurred, and therefore the country and following Presidents never had the authority to do many of the things.

Mr. BISHOP will probably cite some of examples of some of the constructions that they were intending to do, and Presidents such as Madison and others vetoed those initiatives.

How all of this is relevant to us today, as someone who may be listening to our debate or discussion right now, this past week the House of Representatives began the debate and now passage of several appropriations bills. We will be coming back in the weeks to come on the consideration and eventual passage of other appropriation bills. Likewise this past week, or the week before last, I should say, this House had a considerable debate on the issue of earmarks.

Just an aside on the whole issue of earmarks. The debate on that topic goes to whether or not the Congress has the authority, and no one really questions this, but the authority to make, the issues of spending money on particular projects, and I don't think anybody debates that too much. The debate we have had on that topic is the transparency issue and whether or not Members of Congress and the American public are able to see exactly what individual Members are requesting that the American tax dollars go to. That is an appropriate debate and one which I supported, and I supported openness and transparency and to shine the light of day on what we do here.

But that really begs the question as to where American tax dollars go at the end of the day. Earmarks are just a very small fraction of the overall government spending. Sometimes we hear of egregious examples, the proverbial "bridge to nowhere" and the Cowgirl Hall of Fame and the like. These things are targeted in an appropriation bill, either on the House floor or in the Senate or in conference. People are outraged both here in the House and at home as well when these things are added to the budget.

But we must understand that such spending does not occur simply through earmarks, it occurs in the underlying bills as well. And it occurs also by the executive office and the administration as well.

So the fundamental question that we must be asking is whether it is a particular earmark, whether it is for a bridge to nowhere or a Cowgirl Hall of Fame or a museum someplace that we tag onto a bill here in the House or the Senate; or whether it can be exactly the same type of project that the administration puts into the spending pattern through their agencies and departments, or whether it is the same

type of spending in the underlying bill. The larger question is, and this is a question that every Member of Congress should always consider every time they reach into their wallet or their pocket, wherever they keep it, and they pull out their voting card and they put it into the little device to vote "yes" or "no," does Congress, does the Federal Government have the authority to spend those dollars on those purposes?

The argument is, and this is where the gentleman from Utah was leading to in the Preamble, which is also referenced in article I, section 8 of the Constitution, is the general spending clause.

So all the adherents of those who support the earmarks and support the spending on these particular topics will either look to the Preamble or article I, section 8, the general spending clause of the Constitution, which says for the general welfare of this country.

Well, as the learned gentleman from Utah would say, we have to have an understanding what the "general welfare" of this country was intended by the Framers when they penned that document.

Today we would take that to mean anything that the House of Representatives can think of that would be an improvement for this Nation. That broad and general, expansive meaning, interpretation of the language is not what the Framers intended. What they intended was the opposite. They intended it as a limiting factor on spending.

The Founders intended the general welfare clause and the spending clause in the Constitution was limiting to the extent that Washington could not spend the American taxpayers' dollars on just a parochial interest for this one particular Member's district or for this one particular Member's town or for this county or what have you. Instead, it had to be generally good for the entire Nation.

There is a story that came out of a book that was written in 1884 which I would like to share about a former Member of Congress, the name of which most Americans know, used to be on Disney TV, but he was a real Member of Congress back in 1827-1831, and that was a Member of Congress by the name of David Crockett, more familiarly known as Davy Crockett. He was, I guess you would call him back then, a conservative Member of Congress.

He actually addressed in his writings after he served in Congress this issue of whether or not under the general welfare clause he, as a Member of Congress, had the authority to actually spend money on these parochial interests. Let me share that with you.

He stated: "If Congress is not given such extensive powers, then who is?" The answer lies in the 10th amendment. Of course, I am not the first person to suggest this; others have as well.

He writes about how one day in the House of Representatives, that would have been in 1827-1831, a bill was taken

up appropriating money for the benefit of a widow of a distinguished naval officer. Several beautiful speeches were made in its support. The Speaker was just about to put the question to the floor of the House when Congressman Crockett rose.

"Mr. Speaker," he said, "I have as much respect for the memory of the deceased, and as much sympathy for the suffering of the living, if suffering there be, as any man in this House, but we must not permit our respect for the dead or sympathy for a part of the living to lead us into an act of injustice to the balance of the living. I will not go into an argument to prove that Congress has no power to appropriate money as an act of charity. Every Member on this floor knows it. We have the right, as individuals, to give away as much of our own money as we please in charity. But as a Member of Congress, we have no such right to appropriate a dollar of the public money. Some eloquent appeals have been made to us upon the ground that it is a debt due to the deceased. But, Mr. Speaker, the deceased lived long after the close of the war. He was in office to the day of his death, and I have never heard that government was in arrears to him.

"Every man in this House knows it is not a debt. We cannot, without the grossest of corruption, appropriate this money as payment of a debt. We have not the semblance of authority to appropriate it as a charity either. So, Mr. Speaker, I have said we have the right to give as much money of our own as we please. But I am the poorest man on this floor, and yet I cannot vote for this bill, but I will give 1 week's pay to the object. And if every Member of the Congress will do the same, it will amount to more money than this bill."

At that point he took his seat, and no one replied. The bill was put upon for passage, and instead of passing unanimously, as no doubt it would but for his speech, it received only a few votes, and of course it failed.

Later, when asked by a friend why he had opposed the appropriation, he explained. Here is the crux of the story.

He told how several years earlier one evening he was standing on the steps of the Capitol with some other Members of Congress when their attention was attracted by a great light over the city of Georgetown. It was evidently a large fire. They jumped into a hack and drove over. The houses were burned, and many families were made homeless, and some of them lost all the clothes they had. The weather was cold, and he said that I felt that something ought to be done. And so the next morning a bill was introduced appropriating \$20,000 for the relief. All business was put aside, and the bill was rushed through as soon as it could be done.

Davy Crockett stated, The next summer, when it came time to think about the election, I concluded I would take a scout around the district. When riding in a part of my district, I saw a man in

a field plowing and corning towards the road. I spoke to him. He replied politely, but I thought rather coldly.

I began, Well, friend, I am one of those unfortunate beings called candidates. The stranger said, Yes, I know, you are Colonel Crockett, but you should not waste your time. I have seen you before, and I voted for you once, but I shall not vote for you again.

Davy Crockett was shocked by this, but the man stated, You gave a vote last winter which shows that either you have not capacity to understand the Constitution, or you are wanting in the honesty and firmness to be guided by it. In either case, you are not the man to represent me. Your understanding of the Constitution is different than mine, and I cannot overlook, because the Constitution, to be worth anything, must be held sacred and rigidly observed in all its provisions.

To which the Congressman replied, I admit the truth of what you say, but I do not remember that I gave any vote last winter upon any unconstitutional ground. But the man responded that he knew about it, having read about it in the papers, and how last winter you voted to appropriate \$20,000 to some sufferers in Georgetown. Crockett admitted that was true.

The gentleman pointed out it was not the amount of money that Congress appropriates that he complains of, it is the principle. In the first place, Congress should not have excess funding. And secondly, it is the principle whether or not the Congress is abiding by the Constitution when it appropriates its money.

He said, so you see, while you are contributing to relieve one person, in that case the people in Georgetown, you are drawing it from thousands who are even worse off than he. If you have the right to give anything, the amount is a matter of discretion. You gave \$20,000; you could have given \$20 million. If you have the right to give to one, you have the right to give to all. And since the Constitution neither defines charities nor stipulates the amount, you are at liberty to give to anything and everything you believe in as charity, and for any amount you believe. You will easily perceive what a wide door this will open for fraud and corruption and favoritism on the one hand, and for robbing from the people on the other.

The man continued, Colonel, Congress has no right to give to charity. Individual Members may give as much of their own money as they please, but they have no right to touch a dollar of the public money for that purpose. You see, you have violated the Constitution in what I consider a vital point.

In the end what the poor farmer was saying was this: That he had a better understanding of what the Constitution meant and what the Founders had intended when they crafted it less than 100 years earlier at that time; that the Constitution set out limiting powers

on the spending of money, both on the Preamble which sets out no powers whatsoever, as previously stated, and under the general spending clause of article I, section 8 of the Constitution.

And this is not just my interpretation or the farmer's reading. The Supreme Court has commented on this in several instances of note.

□ 1445

In 1905, the Supreme Court made that comment that the general welfare of laws under the preamble is not a grant of power but a limiting of power.

This tendency of the understanding of the Constitution was the case from the time of the Founders basically up until around 1930s. Starting in the 1930s in the New Deal, this Nation changed substantially.

It was at that time that this Nation began to have an interpretation of the Constitution that the Congress would be the arbiter of what the general welfare clause meant, and that the general welfare clause basically means that Congress can decide to spend money on any process or program that they desire. Then furthermore, subsequent U.S. Supreme Court decisions have held that the U.S. Supreme Court would not interfere with the determinations of Congress that these are basically political decisions.

To conclude, what this all means, that when the House of Representatives comes back together next week in the weeks that follow on the appropriation bills, when we hear discussions on earmarks and the likes, and when we hear from the other side of the aisle that we will be spending ever more money on the appropriation process than we ever had in U.S. history, the question we should always be asking, is it within the limits of the general welfare clause.

A strict interpretation of that clause would say no, but the Founders have said in order for it to be a general clause it must be for individuals all across this country and nor for a particular town, city or area of a State. It must benefit everyone.

But you will see in each and every one of those appropriations bills, in just about every one of those earmarks that those dollars are going in contravention of the Constitution and in contravention of what the Founding Fathers intended.

For that reason, we come here on a regular basis to try to raise up these issues to have a better understanding of what our Founders intended for the Constitution.

With that, I will say good night, or at least, good evening, Gracie.

Mr. BISHOP of Utah. I appreciate being able to put the phrase, "promoting the general welfare," into a constitutional perspective, as well as a historical perspective. It is true that Madison and Monroe, both as Presidents, vetoed road construction projects because they only benefited the vicinity of the road, not the general welfare.

It's true that the City of Savannah suffered a horrendous fire; and even though people wanted to give money for it, the rebuilding of Savannah, Congress refused because it wasn't the general welfare.

Obviously, as Mr. GARRETT has said, starting with the New Deal era, we changed our view of what these words mean, so that most times, most politicians today just assume Federal involvement is exactly what was intended.

It also says that when these guys wrote the elastic clause of article I, section 8, they must have had a vastly different and a much more limited view on what was the power entailed than modern policymakers or scholars do.

The last phrase of the preamble is that we do ordain and establish. It's an appropriate benediction to the preamble. It's a phrase that brought to the 1780 mind the creation found in the Book of Genesis, for religious vocabulary at the time spoke of God ordaining and creating the Earth, as comparison to the Founding Fathers who ordained and established this new government. These men in a very real and reverent sense created a new country.

We pass laws almost every week that we either make incorrect assumptions about the meaning of the Founders' words, or we simply ignore them as no longer relevant to our time.

Justice Scalia also once again said about the Constitution: "What it meant when it was adopted it means today, and its meaning doesn't change just because we think that meaning is no longer adequate to our times."

My students not understanding "Say goodnight, Gracie" was simply an annoyance, excusable because they're young, and their view is a tennis player trying to decide whether to date a 20-year-old or a 40-year-old is great television. But for Congress not to understand the meaning of the words of the Constitution is irresponsible, it's inexcusable, and it's dangerous.

Let me yield to one last comment to the chairman of the Constitution Caucus.

Mr. GARRETT of New Jersey. I will conclude with the quotes of Thomas Jefferson, who addressed this overall issue, in 1791, when opining on the constitutionality of a national bank, so, in essence, what he was doing is what we were doing, we do every week. The thought was at that time in 1791, of course, Alexander Hamilton at the time was pushing for such, and whether there was a constitutionality to do so.

He said: "I consider the foundation of the Constitution as laid on this ground that 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people,'" obviously our 10th amendment. "To take a single step beyond the boundaries thus specifically drawn around the powers of Congress is to take possession of a boundless field of power, not longer susceptible of any definition."

Jefferson was very clear that once we overstep the authority that is granted to us by the Constitution, there is no limiting factor on us any more in Congress and the Senate can spend whatever they want on any purpose that they want. The Supreme Court has already opined that they are not going to be the element to rein us in.

So we, therefore, must, fortunately or unfortunately, if not going to rein in ourselves, look to the American public to be the political process to rein the Congress back in the manner that the Constitution and the Founders intended.

Mr. MACK. Mr. Speaker, I want to rise to thank the gentleman from Utah, Mr. BISHOP, for reserving time today so that we can discuss the Constitution, the cornerstone of our Republic and freedoms we cherish.

Mr. Speaker, as Members of this body, all of us are sworn to uphold and protect the principles outlined in the Constitution. Yet, all too often, we routinely find ourselves coming to this floor to vote for measures that directly assault the freedoms outlined in it. We too often consider legislation that contradicts the Constitution's core principles of individual freedom together with limited government.

However, make no mistake: Congress isn't the only culprit. It is much more widespread than that. The Constitution is a document of limited, delegated powers for all branches of government. However, we have an executive branch, whether a Republican or Democratic administration, that often looks for ways to grow beyond its constitutionally defined boundaries. Moreover, Mr. Speaker, my constituents are regularly impacted by Federal agencies with legions of bureaucrats who implement regulation upon regulation, each dealing a blow to their pocketbook and very often their liberty.

Again and again, we see the Federal Government taking more power away from the States, effectively leading them to become gigantic, castrated counties solely accountable to Washington, DC. This is wrong and we must take steps to begin rolling back the tide.

Finally, we have the judiciary which, under the principle of checks and balances, is supposed to be the final safeguard of our constitutional liberties. But just last summer, across the street, five people in black robes overturned established constitutional principles by reinterpreting the fifth amendment and the essence of private property rights. No, Mr. Speaker, these examples show that this isn't simply a congressional problem, this is a national problem.

With that, I urge my colleagues to take a moment to remind themselves just why it is they are here. We must remember that we are a body of limited, enumerated powers. We are the first line of defense for our Constitution. As James Madison said, we are the "guardians of . . . (the) rights and liberties" of our citizens. In doing so, we must be willing to question the merits of every bill.

We must be willing to conduct effective and rigorous oversight of the administration's activities. We must be sure to question any initiative that would seek to limit and constrain the rights of the individual and the States. The Constitution is the guide for doing just that. By checking our actions against what is outlined in the Constitution, we'll know when our deeds overstep their limits.

In closing, Mr. Speaker, I came to Washington on a platform of freedom—the freedom that is promised to every citizen of the United States in our Constitution. The freedom that makes our Nation a beacon of liberty for the rest of the world.

Through the work of the Constitution Caucus and others in this Chamber, I believe that we can get there—to the Founders' intent: a federal government of limited powers which respects and protects the individuals' various freedoms. We should all heed the words of our Nation's first President, who said, "(t)he Constitution is the guide which I will never abandon."

#### GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, June 28 and 29.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of attending a scholarship event in the district.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building".

#### ADJOURNMENT

Mr. GARRETT of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, June 25, 2007, at 12:30 p.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2284. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Self-Insurance Plans Under the Indian Housing Block Grant Program [Docket No. FR-4897-F-02] (RIN: 2577-AC58) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2285. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Procedural Rules for DOE Nuclear Activities and Occupational Radiation Protection [Docket No. EH-RM-02-835] (RIN: 1901-AA95) received June 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2286. A letter from the Secretary, Department of Energy, transmitting the Department's request regarding the use of appropriated funds for the implementation of Section 1221(a) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

2287. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Great Lakes Naval Training Center Harbor, North Chicago, IL [CGD09-07-012] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2288. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Kenosha Harbor, Kenosha, WI. [CGD09-07-013] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2289. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Patuxent River, Calvert County, MD [CGD05-07-037] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2290. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Baileys Harbor Fireworks, Baileys Harbor, Baileys Harbor, WI. [CGD09-07-014] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2291. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Kenosha Harbor, Kenosha, WI. [CGD09-07-003] (RIN: 1625-AA00) received June 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.